



PATENTS  
Attorney Docket No. OPY-008.01  
WZ22

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                              |   |                              |
|------------------------------|---|------------------------------|
| In re Application of:        | ) |                              |
| William H. Zebuhr            | ) |                              |
| Application No:              | ) | Art Unit: 1764               |
| 10/051,901                   | ) |                              |
| Filed: January 17, 2002      | ) | Confirmation No.: 3356       |
| For: ROTATING HEAT EXCHANGER | ) |                              |
|                              | ) | Examiner: Virginia Manoharan |
|                              | ) |                              |

**CERTIFICATE OF MAILING**

I hereby certify that the following paper is being deposited with the United States Postal Service as first-class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 21, 2004.

Shirine M. Darvish

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**TERMINAL DISCLAIMER**

Ovation Products Corporation, the owner of the entire interest in the instant patent application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 9/609,881, filed on July 5, 2000, of any patent on the second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the


second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, and assigns.

The above disclaimer shall be effective only if a patent issues on the second application. In making that disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned is an attorney of record.

Respectfully submitted,

Date: September 21, 2004  
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